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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,424	10/02/2000	Roy J. Mankovitz	MRJ-10202/03	4247

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EXAMINER	
MCLOUGHLIN, MICHAEL I	
ART UNIT	**PAPER NUMBER**
2662	

DATE MAILED: 12/17/2003 5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/677,424	MANKOVITZ, ROY J.	
	Examiner	Art Unit	
	Michael I McLoughlin	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-20 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 02 October 2000 is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892) ✓

2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) ✓ ✓

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 3 .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 10 is rejected under 35 U.S.C. 102(e) as being anticipated by Tsumura et al. (U.S. 5,353,337, hereinafter referred to as Tsumura. Tsumura discloses a system for providing information to a user in electronic form over a telecommunications network (see figure 1), the network including the capability of determining whether the user's connection to the network is in an on-hook or off-hook condition (when the telephone 31 receiver is lifted off hook a loop is formed between switching system 21 and the telephone 31 by way of telephone line 40, see lines 51-51 of column 2), the system comprising:

   - An information provider including a database for storing the information and an interface enabling requested information to be repetitively delivered over the telecommunications network regardless of whether the user's connection to the network is in an on-hook or off-hook condition (center 10 that includes database 12 storing compound data to continuously deliver music or image to the telephone exchange 20 regardless of the condition of the condition of switch 22 on the telephone line 40 in the telephone exchange); and

– A user site including a storage device (receiver 32b stores the first data X and Y in a buffers, see lines 12-14 of column 4) and a splitter interfaced to the network for routing the information from the provider to the storage device (box in user home 30 that splits the telephone 31 and the receiving means 32 as shown in figure 1) and updating the information when the user's connection to the network is in an on-hook condition (when on hook the receiving means 32 is connected to receive broadcast signals transmitted from center 10, see lines 51-57 of column 4, and updating data received by steps 1,2, and 3 in column 4).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-6, 8, 9, 11-17, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsumura, and in view of Lemmons et al. (U.S. 6442,755), hereinafter referred to as Lemmons.

5. Regarding claim 1, Tsumura teaches a method of providing information to a user over a telecommunications network (see figure 1) including the capability of determining whether the user's connection to the network is in an on-hook or off-hook condition (when the telephone 31 receiver is lifted off hook a loop is formed between switching

system 21 and the telephone 31 by way of telephone line 40, see lines 51-51 of column 2) comprising the steps of:

- Repetitively transmitting the information over the network regardless of whether the user's connection to the network in an on-hook or off-hook condition (center 10 continuously delivering music or image to the telephone exchange 20 regardless of the condition of the condition of switch 22 on the telephone line 40 in the telephone exchange);
- Receiving at least a portion of the information at the user site when the user's connection to the network is in an on-hook condition (receives part or all of the music or image by steps 1,2, and 3 in column 4 until the telephone is lifted off hook);
- Storing the received information at the user site (receiver 32b stores the first data X and Y in a buffers, see lines 12-14 of column 4); and
- Updating the information as it is received (when on hook the receiving means 32 is connected to receive broadcast signals transmitted from center 10, see lines 51-57 of column 4, and updating data received by steps 1,2, and 3 in column 4).

However, Tsumura fails to teach that the information is a television program guide. Lemmons teaches storing electronic television program guide information in the program guide data source 14 at the main facility (provider site) on the telecommunications network as shown in figure 1. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the teaching of Lemmons to modify Tsumura's list of music titles (see line 30 of column 5) to list television programs and one

would have arrived at the claimed invention. One would have been motivated to make this modification to add television entertainment to the karaoke taught by Tsumura and expand entertainment at the user site.

6. Regarding claim 2, Tsumura in view of Lemmons teach the method of claim 1, and Tsumura further discloses including a step of displaying the information at the user site (visual display means, see line 16 of column 6).

7. Regarding claims 3, Tsumura in view of Lemmons teach the method of claim 1, and Tsumura further teaches encoding the information at the provider site prior to transmitting (transmission means 13 of figure 1 at the center 10 converts the data to analog broadcast signals and outputs it, see lines 17-18 of column 3; and decoding the information at the user site (receiving means 32 of figure 1 at the users home 30 converts analog broadcast signals received into digital form, see lines 64-66 of column 3).

8. Regarding claim 4, Tsumura in view of Lemmons teach the method of claim 1, and Tsumura further teaches including the step of simultaneously transmitting the information to a plurality of sites (the examiner interprets figure 1 as an example of a connection between center 10 and one of the users done to simplify the disclosure and the full telecommunications network would include a plurality of telephone lines and user homes).

9. Regarding claim 5, Tsumura in view of Lemmons teach the method of claim 1, but Tsumura fails to teach delivering the information to a user site over the network in a wireless fashion. Lemmons teaches step of delivering the information to a user site over the network in a wireless fashion on the satellite link 18 of figure 10. It would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify Tsumura's method using Lemmon's teaching and arrive at the claimed invention by allowing communication links/paths include wireless links to be included in the telecommunications network. One would have been motivated to make this modification in order to allow the use of the invention in the broadest manner within existing telecommunications networks.

10. Regarding claim 6, Tsumura in view of Lemmons teach the method of claim 1, but Tsumura fails to teach including the step of repeating the transmission of the information to maximize the amount of information delivered to the user in the event of an off-hook or other network interruption. Lemmons teaches repeating the transmission in suitable time intervals on line 56 of column 3. It would have been obvious to one of ordinary skill in the art at the time the invention was made would use Lemmon's teaching to modify Tsumura's method by repeating the transmission on time intervals and setting the interval based on statistics related to off-hook or network interruptions in Tsumura's method to suit maximizing the information delivered to the user in the event of an off-hook or other network interruption and one would have arrived at the claimed invention. One would have been motivated to make this modification to maximize user satisfaction with the telecommunications network and minimize user complaints.

11. Regarding claim 8, Tsumura in view of Lemmons teach the method of claim 1, and the examiner takes official notice that encryption and decryption is common knowledge and well known in the art of telecommunications.

12. Regarding claim 9, Tsumura in view of Lemmons teach the method of claim 1, and the step of filtering out voice or data signals received over the network when the user's connection is in an off-hook condition is inherent to insure there is no clash between voice on telephone 31 and data to the receiving means 32 that are jointly connected by the box shown in the user's house 30 of figure 1.

13. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsumura in view of Lemmons as applied to claim 1 above, and further in view of Tsumura et al (U.S. 5,357,505), hereinafter referred as Tsumura 2.

14. Regarding claim 7, Tsumura in view of Lemmons teach the method of claim 1, but fail to teach including the steps of:

- Transmitting the information in the form of serial data packets; and
- Reconstructing the packets at the user site.

Tsumura 2 teaches transmitting the information in packets in the 1st Packet Transmission unit 12 of figure 1, and see lines 59-63 of column 3, and reconstructing the packets at the user site in the 2D Packet Receive unit 36 at the users home 30 in figure 1, and see lines 68 in column 4 to line 5 in column 5. Modifying Tsumura's method with the teaching of Tsumura 2 by using packets as taught by Tsumura 2 for the broadcast signals would result in the claimed invention. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teaching of Tsumura 2 to modify Tsumura and arrive at the claimed invention. One would have been motivated to make this modification in order to not only have unidirectional one-to-many communication

from the center unit 10 to a plurality of home devices (see lines 51-53 of column 1 of Tsumura 2), but also allow transmitting information in data form to a center (see lines 58-59 of column 1 of Tsumura 2), while at the same time enabling error-free communication to be carried out between control device and terminal (see lines 66-67 of column 2 of Tsumura 2).

15. Regarding claims 11, 12, and 13, Tsumura teaches the system of claim 10, and further teaches information, but fails to teach wherein the information relates to a television program. Lemmons teaches information related to a television program (see figure 1). Further:

a) Lemmons teaches that the information is television schedule information that applies to claim 12 (see figure 5).

b) Lemmons teaches that user site: further includes a television display (see television 36 of figure 2; and the storage device is interfaced to the television display enabling the user to view the program schedule information (see secondary storage device 32 interfaced to television 36 in figure 2) that applies to claim 13.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the teaching of Lemmons to modify Tsumura's system by adding television schedules to Tsumura's stored information and a television instead of Tsumura's video display (see lines 15-16 of Tsumura) and one would have arrived at the claimed invention. One would have been motivated to make this modification to add

television entertainment to the karaoke taught by Tsumura and expand entertainment at the user site.

16. Regarding claims 14, Tsumura in view of Lemmons teach the system of claim 10, and Tsumura further teaches encoding the information at the provider site prior to transmitting (transmission means 13 of figure 1 at the center 10 converts the data to analog broadcast signals and outputs it, see lines 17-18 of column 3; and decoding the information at the user site (receiving means 32 of figure 1 at the users home 30 converts analog broadcast signals received into digital form, see lines 64-66 of column 3).

17. Regarding claim 15, Tsumura in view of Lemmons teach the system of claim 10, and Tsumura further teaches including the step of simultaneously transmitting the information to a plurality of sites (the examiner interprets figure 1 as an example of a connection between center 10 and one of the users done to simplify the disclosure and the full telecommunications network would include a plurality of telephone lines and user homes).

18. Regarding claim 16, Tsumura in view of Lemmons teach the system of claim 10, but Tsumura fails to teach delivering the information to a user site over the network in a wireless fashion. Lemmons teaches step of delivering the information to a user site over the network in a wireless fashion on the satellite link 18 of figure 10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tsumura's method using Lemmon's teaching and arrive at the claimed invention by allowing communication links/paths include wireless links to be included in the

telecommunications network. One would have been motivated to make this modification in order to allow the use of the invention in the broadest manner within existing telecommunications networks.

19. Regarding claim 17, Tsumura in view of Lemmons teach the system of claim 10, but Tsumura fails to teach including the step of repeating the transmission of the information to maximize the amount of information delivered to the user in the event of an off-hook or other network interruption. Lemmons teaches repeating the transmission in suitable time intervals on line 56 of column 3. It would have been obvious to one of ordinary skill in the art at the time the invention was made would use Lemmon's teaching to modify Tsumura's method by repeating the transmission on time intervals and setting the interval based on statistics related to off-hook or network interruptions in Tsumura's method to suit maximizing the information delivered to the user in the event of an off-hook or other network interruption and one would have arrived at the claimed invention. One would have been motivated to make this modification to maximize user satisfaction with the telecommunications network and minimize user complaints.

20. Regarding claim 19, Tsumura in view of Lemmons teach the system of claim 10, and the step of filtering out voice or data signals received over the network when the user's connection is in an off-hook condition is inherent to insure there is no clash between voice on telephone 31 and data to the receiving means 32 that are jointly connected by the box shown in the user's house 30 of figure 1.

21. Regarding claim 20, Tsumura in view of Lemmons teach the system of claim 10, and the examiner takes official notice that encryption and decryption is common knowledge and

well known in the art of telecommunications and using a time-dependent code is a design choice.

22. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsumura in view of Lemmons as applied to claim 1 above, and further in view of Tsumura 2.

23. Regarding claim 18, Tsumura in view of Lemmons teach the system of claim 17, but fail to teach including the steps of:

- Transmitting the information in the form of serial data packets; and
- Reconstructing the packets at the user site.

Tsumura 2 teaches transmitting the information in packets in the 1st Packet Transmission unit 12 of figure 1, and see lines 59-63 of column 3, and reconstructing the packets at the user site in the 2D Packet Receive unit 36 at the users home 30 in figure 1, and see lines 68 in column 4 to line 5 in column 5. Modifying Tsumura's method with the teaching of Tsumura 2 by using packets as taught by Tsumura 2 for the broadcast signals would result in the claimed invention. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teaching of Tsumura 2 to modify Tsumura and arrive at the claimed invention. One would have been motivated to make this modification in order to not only have unidirectional one-to-many communication from the center unit 10 to a plurality of home devices (see lines 51-53 of column 1 of Tsumura 2), but also allow transmitting information in data form to a center (see lines 58-59 of column 1 of Tsumura 2), while at the same time enabling error-free communication

to be carried out between control device and terminal (see lines 66-67 of column 2 of Tsumura 2).

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Alten et al. (U.S. 5,635,978), Electronic television program guide channel system and method.
2) Rasson et al. (U.S. 6,137,549), Program guide data distribution system with configurable queues.
3) Thomas et al. (U.S. 5,666,645), Data management and distribution system and method for an electronic television program guide.
4) Lemmons (U.S. 6,481,011), Program guide system with user designed color coding.
5) Ellis et al. (U.S. 6,604,240), Interactive television program guide with operator showcase.
6) Brown (U.S. 5,805,154), Integrated broadcast application with broadcast portion having option display for access to on demand portion.
7) Johnson (U.S. 5,872,837), System and method for transmitting data and commands using a telephone.
8) Farris e al. (U.S. 6,029,064), Mobile audio program selector using public switched telephone network.
9) Tseng et al. (U.S. 5,625,416), Video communication controller utilizing multiple data channels to deliver separate program segments.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael I McLoughlin whose telephone number is 703-308-7911. The examiner can normally be reached on weekdays 7AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703-305-4744. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

mm

December 11, 2003

HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
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